

Section 24.1-104 Definitions

Marina. A facility designed for dockage, storing, servicing, berthing, fueling, repairing or securing of primarily pleasure boats and which may include ~~eating a restaurant~~ –and retail facilities in accordance with the performance standards established in this chapter. ~~for owners, members, crews or guests and may have loading and unloading facilities.~~ Marinas may include in-water slips which are covered or uncovered, dry slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

~~—Wet Slip. A marina where boats are docked and secured in the water. Covered or uncovered slips may be provided.~~

~~—Dry Storage. A marina where boats are stored on land, either indoors or out, which may include provisions for transfer to and from the water by mechanical means upon request.~~

Section 24.1-462. Standards for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the “Criteria for the Siting of Marinas or Community Facilities for Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- ~~(d)~~(d) Restaurant facilities associated with commercial marinas shall be subject to the following requirements:

- (1) The restaurant shall be designed and operated as an integral component of the marina. Restaurants shall not be permitted in conjunction with any marina having less than twenty (20) wet slips. Unless a greater size is authorized by a Special Use Permit, the maximum capacity (both indoor and outdoor dining space) of any restaurant established pursuant to these provisions shall be three (3) seats for every one (1) wet slip, but in no case greater than a 150-seat capacity. The maximum floor area of the dining area (both indoor and

outdoor seating areas) and shall not exceed 15 square feet for each allowable seat, unless the operator provides other assurances that will limit seating capacity to the specified ratio, even with a greater floor area.

(4)(2) The restaurant shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of this section, the term "adjacent" shall be deemed to include properties located across a body of water:

- a) Every reasonable effort shall be made to orient the principal and service entrances to the restaurant away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the restaurant and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping. Appropriate landscaping shall consist, at least, of a double row of leyland cypress spaced at 10 feet on centers and extending a sufficient linear distance to provide an effective screen between the two uses. Buildings on the restaurant (marina) property may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, the marina operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.

- b) Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the restaurant operation shall not be permitted between the hours of 8:00 p.m. and 7:00 a.m.
- a)
 - c) Parking spaces likely to be used by restaurant patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the restaurant.
 - d) Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties
 - e) Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the restaurant operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. . Refuse trucks shall not be

permitted to service the dumpsters between the hours of 8:00 p.m. and 7:00 a.m.

- (3) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application to establish the restaurant. Outdoor dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area are not audible above normal background sound levels for that time of day at any adjoining residential property line.
- ~~(2)~~(4) The hours of operation for the restaurant shall be limited to 6:00 a.m. to 10:00 p.m. and new customers may not enter the restaurant for food or beverage service before or after these hours. Food and beverage service orders may be taken within these prescribed hours.
- (5) The restaurant shall not include a specially-designed and dedicated dance floor nor shall live or recorded music be allowed to be played (either indoors or outdoors) so as to be audible above normal background sound levels for that time of day at any adjoining residential property line.
- (6) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant.
- (7) All outdoor lighting associated with the restaurant and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.
- (8) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina/restaurant patrons to park in

access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing / erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.

(9) The application for approval of a new marina with a restaurant, or for the addition or expansion of a restaurant at an existing marina, shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all restaurant proposals, regardless of their size. Such study shall be based on the traffic generation figures associated with the marina, using the current ITE trip generation figures, and also including the restaurant as an additive traffic generator but at a factor of 25% of the volumes that would be expected if the restaurant were a stand-alone facility. Approval of the restaurant at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the marina can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.

(10) The owner of any property desiring to establish a restaurant in conjunction with a marina but which does not propose compliance with the above-stated standards may request consideration of such alternate proposal by submitting an application for approval of a Special Use Permit. In reviewing such a request, the Board of Supervisors may modify and supplement the above-stated standards in such manner as it deems appropriate to the specific property and proposal.

Section 24.1-463. Standards for marina, dock or boating facility (private or club)

add subsection (e) as follows:

(e) Restaurant facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462 for commercial marina facilities.
